

CUSTOMER NO.: 38107
EXPEDITED PROCEDURE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: J. RUSSELL, et al.) Examiner: N. LAVERT
Serial No.: 10/597,079)) Art Unit: 4123
Filed: July 11, 2006)) Confirmation: 6955
For: **ADAPTIVE
PHYSIOLOGICAL
MONITORING SYSTEM
AND METHODS OF USING
SAME**)
Date of Last Office Action: August 22, 2008)
Attorney Docket No.: PHUS040020US2 / PKRZ 2 01268) Cleveland, OH 44114
) October 16, 2008

**37 CFR 1.144 PETITION
(RESTRICTION REQUIREMENT)**

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On May 8, 2008, the Examiner issued a four-way Restriction Requirement between Groups I, II, III, and IV. In the applicant's Amendment of May 29, 2008, the applicant elected Group I, with traverse. The Office Action of August 22, 2008 apparently has withdrawn the Restriction Requirement between Groups I, II, and IV. The Examiner maintained the Restriction between the elected apparatus claims and the non-elected method claims.

CERTIFICATE OF ELECTRONIC TRANSMISSION

I certify that this **37 CFR 1.144 PETITION (RESTRICTION REQUIREMENT)** and accompanying documents in connection with U.S. Serial No. 10/597,079 are being filed on the date indicated below by electronic transmission with the United States Patent and Trademark Office via the electronic filing system (EFS-Web).

October 17, 2008
Date

Patricia A. Heim
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